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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,016	08/09/2001	Boris Sussmann	01139	2477
23338	7590	11/29/2005	EXAMINER	
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			POPHAM, JEFFREY D	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/925,016	SUSSMANN, BORIS	
	Examiner	Art Unit	
	Jeffrey D. Popham	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 September 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2,4,8,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2,4,8,13 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20050916</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Remarks

Claims 2, 4, 8, 13, and 14 are pending.

Response to Arguments

1. Applicant's arguments, see Pages 15-16 or the Remarks, filed 9/16/2005, with respect to the rejection(s) of claim(s) 1-12 under 35 U.S.C. 103(a) have been fully considered and are persuasive, as they relate to the new claims 13 and 14. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made with Walker (U.S. Patent 6,546,492) in view of Danknick (U.S. Patent 5,548,728) and Menezes (Menezes et al., "Handbook of Applied Cryptography", 1997, CRC Press, pp. 576-577).

Claim Objections

2. Claim 13 objected to because of the following informalities: lines 17-19 read "defined in the authorization list (28), user rights defined in the authorization list (28)". This should apparently read "user rights defined in the authorization list". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent 6,546,492) in view of Danknick (U.S. Patent 5,548,728).

Regarding Claim 13,

Walker discloses a process for transferring data into or out of a memory-programmable control unit, where the data to be transferred is coded at the sender by at least one authorized entity with an individual sender identification in the form of a digital signature (Column 8, lines 31-55), whereby the data is decoded at the recipient and the at least one individual sending identification is checked for validity and compared with a defined sender identification stored in an authorization list (list of appropriate public keys, which are used to verify the signature) and where the data is processed when the individual sending identification is valid and entered in the authorization list (Column 8, lines 31-55); characterized in that a memory range of the memory-programmable control unit is selectively actuatable through the coding of the data set to be transferred (Column 8, line 31 to Column 9, line 6), that for changing the state of the memory-programmable control unit in the form of reading and writing of the memory ranges (Column 8, line 16 to Column 9, line 6), and that through the memory-programmable control unit the data is provided with a digital signature when reading data from a memory range protected in

correspondence with the authorization list (Column 8, lines 16-30); but does not disclose that the entity is a person or that the authorization list comprises user rights that are allotted to at least one authorized person.

Danknick, however, discloses that the entity is a person or that the authorization list comprises user rights that are allotted to at least one authorized person (Column 16, line 64 to Column 17, line 7; and Column 19, lines 49-58). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the administrative remote firmware upgrading system of Danknick into the update system of Walker in order to ensure that, even when the appropriate admin sends the updates, the device will be compatible with said updates, so as to ensure that the device will not lose communication abilities.

Regarding Claim 14,

Claim 14 is a system claim that is broader than method claim 13 and is rejected for the same reasons.

Regarding Claim 2,

Walker as modified by Danknick discloses the method of claim 13, in addition, Walker discloses that the authorization list is stored in a memory control apparatus at the recipient (Column 8, line 31 to Column 9, line 6).

Regarding Claim 8,

Walker as modified by Danknick discloses the method of claim 13, in addition, Walker discloses that the data is transferred over a data network such as an intranet or the Internet (Column 3, lines 18-34).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Danknick, further in view of Menezes (Menezes et al., "Handbook of Applied Cryptography", 1997, CRC Press, pp. 576-577).

Walker as modified by Danknick does not disclose that the authorization list is individually adaptable, whereby a manipulation of the authorization list is possible only with corresponding rights.

Menezes, however, discloses that the authorization list is individually adaptable, whereby a manipulation of the authorization list is possible only with corresponding rights (pages 576-577, Section 13.6.3). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the certificate system of Menezes into the update system of Walker as modified by Danknick in order to provide a hierarchy of certificate authorities, that can be proven as trusted (from the root CA), each certificate authority being able to grant and revoke public key certificates to entities below it.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew B. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137